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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/003,941 01/07/98 POLK

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FINNEGAN HENDERSON  
FARABOW GARRETT AND DUNNER  
1300 I STREET NW  
WASHINGTON DC 20005-3315

LM02/1231

EXAMINER
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COSIMANO, E

ART UNIT	PAPER NUMBER
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2761

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DATE MAILED:

12/31/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/003,941**

Applicant(s)  
**Polk**

Examiner  
**Edward R. Cosimano**

Group Art Unit  
**2761**



☒ Responsive to communication(s) filed on Jan 7, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 127-141 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 127-141 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jan 7, 1998 is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jan 8, 1998 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit 2761

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## IMPORTANT NOTICE

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Effective November 16, 1997, the Examiner handling this application will be assigned to a new Art Unit as a result of the consolidation into Technology Center 2700. See the forthcoming Official Gazette notice dated November 11, 1997 For any written or facsimile communication submitted **ON OR AFTER** November 16, 1997, this Examiner, who was assigned to Art Unit 2414, will be assigned to Art Unit 2761. Please include the new Art Unit in the caption or heading of any communication submitted after the November 16, 1997 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Art Unit 2761

1. Applicant should note the changes to patent practice and procedure effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997.

2. The drawings are objected to because:

A) the following errors have been noted in the drawings:

(1) fig. 9 lacks reference numbers 440, 482, 484 & 486 as disclosed at pages 15 & 16.

(2) fig. 10 lacks reference number 440 as disclosed at page 30, line 15.

(3) fig. 13 lacks reference number 1310 as disclosed at page 32, line 1.

(4) figs. 19 & 21 uses reference 1912, 1914 & 1916 twice which is forbidden by 37 CFR § 1.84(p(4)) and as disclosed at pages 35-37. Note also fig. 21 which also uses these numbers.

Correction is required.

2.1 Applicant is required to submit a proposed drawing correction in response to this Office action (37 CFR § 1.123). However, correction of the noted defect can be deferred until the application is allowed by the examiner.

3. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, & § 1.84(o,p(5)).

4. Claims 127-141 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-126 of copending Application No. 08/941,187. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

4.1 The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: the use of electronic data interchange (EDI) messages when processing of a electronic funds transfer (EFT) where the EDI messages contain multiple parts which must be parsed before the EFT can take place.

4.2 Furthermore, there is no apparent reason why applicant would be prevented from

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presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.1 Claims 127-141 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by either Anderson (5,283,829) or Hilt et al (5,465,206).

5.2 Claims 127-141 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Landry (5,649,117).

5.3 In regard to claims 127-141, any one of either Anderson ('829) or Hilt et al ('206) or Landry ('117) disclose a system which received electronic data interchange (EDI) messages. These EDI messages contain multiple parts which include electronic funds transfer (EFT) data as well as user instructions, i.e. addendum. It is noted that the addendum information may include other EFT data which must occur before the original EFT can take place.

5.3.1 The EFT transaction may be of any suitable nature so as to ensure the proper transfer of the required funds.

6. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-305-9714. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

7.1 The fax phone number for **UNOFFICIAL FAXES** for this group is (703) 308-5357.

7.2 The fax phone number for **OFFICIAL FAXES** for this group is either (703) 308-9051 or (703) 308-9052.

12/23/98

  
Edward R. Cosimano  
Primary Examiner A.U. 2761